

(Recaption, awaiting reply) (filed Jan 17, 2005)  
 Defendants' Memorandum in Opposition to Plaintiff's  
 Motion to Compel Discovery - Class-based Classification  
Schemes

Shortly after Judge Mollway issued her order, Judge Chang, on April 19, issued an order denying the motion to compel discovery, without prejudice as Judge Mollway had substantially limited the issues remaining in the case. Plaintiffs have renewed their motion.

Most of the information requested by Plaintiffs would go to the issue of injunctive or other prospective relief which is no longer in the case. Plaintiffs are limited to their own personal claims for damages and nothing more. As defendants are willing to stipulate that during the relevant time period, the policy of the Halawa Facility was to separate members of rival gangs and that sometimes left non-gang members housed in the same population as known gang members, the requested documents add nothing to Plaintiffs' cases and certainly nothing to counter-balance the extreme prejudice to, not only the remaining defendants, but also to the State of Hawaii itself, should those documents fall into the hands of inmates.

Defendants still object to the release directly to the Plaintiffs of any documents which disclose the inner workings, policies, housing assignments, ongoing investigations. Also, Defendants also object to documents involving closed investigations of gang members or activities or the progress that is being made against gang activities. Although such documents might be disclosable to an attorney at law under a suitable protective order, the risk of placing such